**THE HONOURABLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No :2259 of 2007**

**DATED:08-02-2007**

Padamati Vasantha Rao.

**..... PETITIONER**

AND

The Superintendent,
Prohibition & Excise Department,
Tenali,
Guntur District & another.

**.....RESPONDENTS**

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**ORDER:**

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Prohibition & Excise appearing for the 1st respondent.

2. Petitioner seeks a writ of mandamus directing the 1st respondent to issue identity card for tapping the toddy being the member of the 2nd respondent society alongwith the other members of the society on collecting the requisite tax payable to the Government.

3. It is the case of the petitioner that he is a member of the 2nd respondent society since its inception in the year, 1995, and has been continuing his membership till date, and has been eking out his livelihood by tapping the toddy and also paying the amounts to the Society and the Government, and there are no tax dues payable by him. Whileso, the President of the 2nd respondent society issued show cause notice in the month of August, 2006 stating that since 25-10-2005 the petitioner is not paying the arrears of tax payable to the society and also acting against the adverse interest of the society and therefore why he should not be removed from the membership as per the bye-law No.10 of the byelaws of the society.

4. It is stated that explanation, dated 24-08-2006, has been submitted by the petitioner disputing all the said allegations and stating that he is not due and payable any amounts to the society. It is

stated that even before final action has been taken with regard to the removal of the membership based on the show cause notice issued by the 2nd respondent the petitioner cannot be deprived of his right to tap the trees and eke out his livelihood. It is further stated that the membership of a member of the said society cannot become final unless the resolution, if any, passed by the society is approved by the Registrar of the Co-operative society, and therefore he is entitled to tap the trees and eke out his livelihood.

4. Having regard to the facts and circumstances of the case the respondents are directed not to deprive the right of the petitioner to tap the toddy on par with other members of the society pending disposal of the final action pursuant to the show cause notice issued to the 2nd respondent.

5. Accordingly, the Writ Petition is disposed of. No order as to costs.

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**V.ESWARAIAH,J**

08th February, 2007.
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